

Customer No.: 31561
Application No.: 10/064,490
Docket No.: 9766-US-212

REMARKS

I. Present Status of the Application

The Office Action made the following objections and rejections: (1) Claims 7, 8 and 12 are objected to because of informalities; (2) under 35 U.S.C. § 103(a), claims 1, 2, 4, 6 and 11 are rejected over Lasman et al. (US 4,017,656) in view of JP 08-232174, claims 3 and 10 are rejected over Lasman et al. in view of JP 08-232174, as applied to claim 1 or 2 above, as evidenced by Nishibayashi et al. (US 3,939,021), and claims 7, 8 and 12 are rejected over Lasman et al. in view of JP 08-232174, as applied to claim 1 or 2 above, as evidenced by Higgs et al. (US 3,661,674); and (3) under the judicially created doctrine of obviousness-type double patenting, claims 1-4, 6, 10 and 11 are rejected over claims 1-10 of US Patent No. 6,114,260 in view of Lasman et al., and

claims 7, 8 and 12 are rejected over claims 1-10 of US Patent No. 6,114,260 in view of Lasman et al., as applied to claims 1 or 2 of this application.

Upon entry of the amendments in this response, claims 7, 8 and 12 are currently amended. Hence, claims 1-4, 6-8 and 10-12 remain pending in the present application, with claims 1-2 being independent claims. Applicant believes that the foregoing amendments do not introduce new matter. Thus, reconsideration of those claims is respectfully requested.

II. Response to Objections and Rejections

A. Objections to the claims

The Office Action, at page 2, objected claims 7, 8 and 12 because of informalities. In accordance with the Examiner's request, claims 7, 8 and 12 are amended. Claim 7 is amended in view of the prior amendments of claims 1 and 2, as pointed out by the Examiner in this Office Action. Therefore, Applicant respectfully submits that this ground of objection has been addressed and the objections overcome. Reconsideration and withdrawal of the objection are respectfully requested.

B. Rejections under 35 U.S.C. § 103(a)

The Office Action, at pages 2-4, rejected the following claims under 35 U.S.C. § 103(a) as being unpatentable: claims 1, 2, 4, 6 and 11 are rejected over Lasman et al. (US 4,017,656) in

view of JP 08-232174, claims 3 and 10 are rejected over Lasman et al. in view of JP 08-232174, as applied to claim 1 or 2 above, as evidenced by Nishibayashi et al. (US 3,939,021), and claims 7, 8 and 12 are rejected over Lasman et al. in view of JP 08-232174, as applied to claim 1 or 2 above, as evidenced by Higgs et al. (US 3,661,674). As grounds for the rejections, on the independent claims 1 and 2 in particular, the Examiner asserts that it would have been obvious to employ the transfer sheet having a convexo-concave pattern disclosed in JP 08-232174 to modify Lasman et al.'s sheet structure (Office Action, pages 2-3). Applicant respectfully traverses the rejections for at least the reasons set forth below.

The present invention, as recited in the independent claims 1 and 2, provides a sheet structure comprising a peelable transfer sheet having a convexo-concave shape, a film layer, a porous layer formed of open-cell foam, and a thermally-fused open-cell foamed layer. However, Lasman et al. do not teach the convexo-concave shape, and do not teach co-existence of porous layer and open-cell formed layer. Even though the lower density form layer might be considered as the "open-cell foamed layer," as the Examiner asserted (Office Action, page 2, item 3), the lower density form layer is not, at the same time, as the "porous layer" like in this application.

The second reference JP 08-232174, on the other hand, does not teach the open-cell formed layer. The Examiner states, "JP'174 discloses that the formation of the convexo-concave pattern is to provide the sheet structure with a leather-like irregular surface, which is important to the expectation of successfully practicing the invention of Lasman, thus suggesting the modification." (Office Action, at page 3). Even if so, the resultant sheet structure of such

combination would include only the convexo-concave pattern but not the co-existence of the “porous layer” and the “open-cell foamed layer.” As disclosed in the specification of this application, the open-cell foamed layer is formed additionally on the porous layer where the artificial leather is required to exhibit high flexibility (specification, at page 5, lines 4-6); the expectation, disclosed in JP’174 (abstract; Office Action, at page 3), of providing the leather-like irregular surface would not require the open-cell foamed layer in addition to the porous layer.

Thus, it would have been unobvious to one having ordinary skill in the art at the time the invention was made to modify the sheet structure so as to include both the open-cell foamed layer in addition to the porous layer. Accordingly, claims 1 and 2 are not obvious over the cited prior art references.

It is noted that dependent claims 3,4, 6-8 and 10-12 are rejected over Lasman et al. in view of JP 08-232174, as applied to the independent claim 1 or 2 above. Since the independent claims 1 and 2 are not rendered obvious over the foregoing two references, the relevant dependent claims 3,4, 6-8 and 10-12, based on their dependency, should not be rendered obvious over these two references as applied to the claims 1 and 2.

Accordingly, for at least the foregoing reasons, Applicant respectfully submits that the grounds of rejection have been addressed and the rejection overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

C. Double patenting rejection

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The Office Action, at pages 4-6, under the judicially created doctrine of obviousness-type double patenting, rejected claims 1-4, 6, 10 and 11 over claims 1-10 of US Patent No. 6,114,260 in view of Lasman et al., and rejected claims 7, 8 and 12 over claims 1-10 of US Patent No. 6,114,260 in view of Lasman et al., as applied to claims 1 or 2 above.

Applicant is filing a terminal disclaimer concurrently with these Amendments and Remarks. The terminal disclaimer disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration of US Patent No. 6,114,260.

Accordingly, Applicant respectfully submits that the rejection has been overcome and should be withdrawn. Reconsideration and withdrawal of the rejection are respectfully requested.

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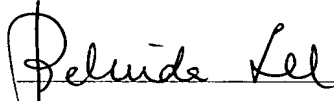
CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-4, 6-8 and 10-12 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

Date :

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